



General Assembly

Substitute Bill No. 6438

January Session, 2009

* _____ HB06438GAE _____ 033009 _____ *

**AN ACT CONCERNING THE DEFINITION OF A CAMPAIGN
CONTRIBUTION AND THE FILING OF CERTAIN REPORTS BY
CAMPAIGN TREASURERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-601 of the general statutes is amended by adding
2 subdivision (28) as follows (*Effective January 1, 2010, and applicable to*
3 *elections and primaries held on and after said date*):

4 (NEW) (28) "Slate committee" means a political committee formed
5 by two or more candidates for nomination or election to any municipal
6 office in the same town, city or borough, or in a primary for the office
7 of justice of the peace or the position of town committee member
8 where the committee will serve as the sole funding vehicle for the
9 candidates' campaigns.

10 Sec. 2. Subsection (b) of section 9-601a of the general statutes is
11 repealed and the following is substituted in lieu thereof (*Effective*
12 *January 1, 2010, and applicable to elections and primaries held on and after*
13 *said date*):

14 (b) As used in this chapter and sections 9-700 to 9-716, inclusive,
15 "contribution" does not mean:

16 (1) A loan of money made in the ordinary course of business by a
17 national or state bank;

18 (2) Any communication made by a corporation, organization or
19 association to its members, owners, stockholders, executive or
20 administrative personnel, or their families;

21 (3) Nonpartisan voter registration and get-out-the-vote campaigns
22 by any corporation, organization or association aimed at its members,
23 owners, stockholders, executive or administrative personnel, or their
24 families;

25 (4) Uncompensated services provided by individuals volunteering
26 their time;

27 (5) The use of real or personal property, and the cost of invitations,
28 food or beverages, voluntarily provided by an individual to a
29 candidate or on behalf of [a state central or town committee] any single
30 party or slate committee, in rendering voluntary personal services for
31 candidate or party-related activities at the individual's [residence]
32 residential premises, or community room in the individual's
33 residential facility, to the extent that the cumulative value of the
34 invitations, food or beverages provided for any single event by [the] an
35 individual or individuals on behalf of any single candidate does not
36 exceed [two] four hundred dollars [with respect to any single election,]
37 and does not exceed eight hundred dollars for any single event when
38 the event is hosted by two or more individuals of the same residential
39 premises or on behalf of [all state central and town committees] any
40 single party or slate committee, provided the cumulative value of the
41 invitations, food or beverages provided by an individual on behalf of
42 any single candidate does not exceed four hundred dollars with
43 respect to any election cycle, and on behalf of any single party or slate
44 committee does not exceed eight hundred dollars in any calendar year
45 or election cycle as the case may be;

46 (6) The sale of food or beverage for use in a candidate's campaign or
47 for use by a [state central or town] party or slate committee at a
48 discount, if the charge is not less than the cost to the vendor, to the
49 extent that the cumulative value of the discount given to or on behalf

50 of any single candidate does not exceed two hundred dollars with
51 respect to any single election cycle, and on behalf of [all state central
52 and town committees] any party or slate committee does not exceed
53 four hundred dollars in a calendar year or election cycle, as the case
54 may be;

55 (7) Any unreimbursed payment for travel expenses made by an
56 individual who on the individual's own behalf volunteers the
57 individual's personal services to any single candidate to the extent the
58 cumulative value does not exceed two hundred dollars with respect to
59 any single election, and on behalf of all state central or town
60 committees does not exceed four hundred dollars in a calendar year;

61 (8) The payment, by a party committee, political committee or an
62 individual, of the costs of preparation, display, mailing or other
63 distribution incurred by the committee or individual with respect to
64 any printed slate card, sample ballot or other printed list containing
65 the names of three or more candidates;

66 (9) The donation of any item of personal property by an individual
67 to a committee for a fund-raising affair, including a tag sale or auction,
68 or the purchase by an individual of any such item at such an affair, to
69 the extent that the cumulative value donated or purchased does not
70 exceed fifty dollars;

71 (10) (A) The purchase of advertising space which clearly identifies
72 the purchaser, in a program for a fund-raising affair sponsored by the
73 candidate committee of a candidate for an office of a municipality,
74 provided the cumulative purchase of such space does not exceed two
75 hundred fifty dollars from any single such candidate or the candidate's
76 committee with respect to any single election campaign if the
77 purchaser is a business entity or fifty dollars for purchases by any
78 other person;

79 (B) The purchase of advertising space which clearly identifies the
80 purchaser, in a program for a fund-raising affair sponsored by a town
81 committee, provided the cumulative purchase of such space does not

82 exceed two hundred fifty dollars from any single town committee in
83 any calendar year if the purchaser is a business entity or fifty dollars
84 for purchases by any other person. Notwithstanding the provisions of
85 this subparagraph, the following may not purchase advertising space
86 in a program for a fund-raising affair sponsored by a town committee:
87 (i) A communicator lobbyist, (ii) a member of the immediate family of
88 a communicator lobbyist, (iii) a state contractor, (iv) a prospective state
89 contractor, or (v) a principal of a state contractor or prospective state
90 contractor. As used in this subparagraph, "state contractor",
91 "prospective state contractor" and "principal of a state contractor or
92 prospective state contractor" have the same meanings as provided in
93 subsection (g) of section 9-612;

94 (11) The payment of money by a candidate to the candidate's
95 candidate committee;

96 (12) The donation of goods or services by a business entity to a
97 committee for a fund-raising affair, including a tag sale or auction, to
98 the extent that the cumulative value donated does not exceed one
99 hundred dollars;

100 (13) The advance of a security deposit by an individual to a
101 telephone company, as defined in section 16-1, for telecommunications
102 service for a committee, provided the security deposit is refunded to
103 the individual;

104 (14) The provision of facilities, equipment, technical and managerial
105 support, and broadcast time by a community antenna television
106 company, as defined in section 16-1, for community access
107 programming pursuant to section 16-331a, unless (A) the major
108 purpose of providing such facilities, equipment, support and time is to
109 influence the nomination or election of a candidate, or (B) such
110 facilities, equipment, support and time are provided on behalf of a
111 political party;

112 (15) The sale of food or beverage by a town committee to an
113 individual at a town fair, county fair or similar mass gathering held

114 within the state, to the extent that the cumulative payment made by
115 any one individual for such items does not exceed fifty dollars; [or]

116 (16) An organization expenditure by a party committee, legislative
117 caucus committee or legislative leadership committee; or

118 (17) The donation of food or beverage by an individual for
119 consumption at a slate or party committee meeting that is not a
120 fundraising event to the extent that the cumulative value of the food or
121 beverage donated by an individual for a single meeting does not
122 exceed fifty dollars in the aggregate.

123 Sec. 3. Subsection (c) of section 9-608 of the general statutes is
124 repealed and the following is substituted in lieu thereof (*Effective*
125 *January 1, 2010, and applicable to elections and primaries held on and after*
126 *said date*):

127 (c) (1) Each statement filed under subsection (a), (e) or (f) of this
128 section shall include, but not be limited to: (A) An itemized accounting
129 of each contribution, if any, including the full name and complete
130 address of each contributor and the amount of the contribution; (B) [in
131 the case of anonymous contributions, the total amount received and
132 the denomination of the bills; (C)] an itemized accounting of each
133 expenditure, if any, including the full name and complete address of
134 each payee, including secondary payees whenever the primary or
135 principal payee is known to include charges which the primary payee
136 has already paid or will pay directly to another person, vendor or
137 entity, the amount and the purpose of the expenditure, the candidate
138 supported or opposed by the expenditure, whether the expenditure is
139 made independently of the candidate supported or is an in-kind
140 contribution to the candidate, and a statement of the balance on hand
141 or deficit, as the case may be; [(D)] (C) an itemized accounting of each
142 expense incurred but not paid, provided if the expense is incurred by
143 use of a credit card, the accounting shall include secondary payees,
144 and the amount owed to each such payee; [(E)] (D) the name and
145 address of any person who is the guarantor of a loan to, or the cosigner

146 of a note with, the candidate on whose behalf the committee was
147 formed, or the campaign treasurer in the case of a party committee or a
148 political committee or who has advanced a security deposit to a
149 telephone company, as defined in section 16-1, for telecommunications
150 service for a committee; [(F)] (E) for each business entity or person
151 purchasing advertising space in a program for a fund-raising affair, the
152 name and address of the business entity or the name and address of
153 the person, and the amount and aggregate amounts of such purchases;
154 [(G)] (F) for each individual who contributes in excess of one hundred
155 dollars but not more than one thousand dollars, in the aggregate, to the
156 extent known, the principal occupation of such individual and the
157 name of the individual's employer, if any; [(H)] (G) for each individual
158 who contributes in excess of one thousand dollars in the aggregate, the
159 principal occupation of such individual, the name of the individual's
160 employer, if any; [(I)] (H) for each itemized contribution made by a
161 lobbyist, the spouse of a lobbyist or any dependent child of a lobbyist
162 who resides in the lobbyist's household, a statement to that effect; and
163 [(J)] (I) for each individual who contributes in excess of four hundred
164 dollars in the aggregate to or for the benefit of any candidate's
165 campaign for nomination at a primary or election to the office of chief
166 executive officer or a slate committee financing the nomination or
167 election of a candidate for chief executive officer of a town, city or
168 borough, a statement indicating whether the individual or a business
169 with which he is associated has a contract with said municipality that
170 is valued at more than five thousand dollars. Each campaign treasurer
171 shall include in such statement (i) an itemized accounting of the
172 receipts and expenditures relative to any testimonial affair held under
173 the provisions of section 9-609 or any other fund-raising affair, which
174 is referred to in subsection (b) of section 9-601a, as amended by this
175 act, and (ii) the date, location and a description of the affair, except that
176 a campaign treasurer shall not be required to include the name of any
177 individual who has purchased items at a fund-raising affair, as
178 described in subdivisions (9) and (12) of subsection (b) of section 9-
179 601a, as amended by this act, if the cumulative value of items
180 purchased by such individual does not exceed fifty dollars or the name

181 of any individual who donated food or beverage for a meeting as
182 described in subdivision (17) of subsection (b) of section 9-601a, as
183 amended by this act.

184 (2) Each contributor described in subparagraph ~~(F)~~, (G), (H) ~~[(I)]~~ or (I)
185 [or (J)] of subdivision (1) of this subsection shall, at the time the
186 contributor makes such a contribution, provide the information which
187 the campaign treasurer is required to include under said subparagraph
188 in the statement filed under subsection (a), (e) or (f) of this section.
189 Notwithstanding any provision of subdivision (2) of section 9-7b, any
190 contributor described in subparagraph ~~[(G)]~~ (E) of subdivision (1) of
191 this subsection who does not provide such information at the time the
192 contributor makes such a contribution and any treasurer shall not be
193 subject to the provisions of subdivision (2) of section 9-7b. If a
194 campaign treasurer receives a contribution from an individual which
195 separately, or in the aggregate, is in excess of one thousand dollars and
196 the contributor has not provided the information required by said
197 subparagraph ~~[(H)]~~ (G) or if a campaign treasurer receives a
198 contribution from an individual to or for the benefit of any candidate's
199 campaign for nomination at a primary or election to the office of chief
200 executive officer of a town, city or borough, which separately, or in the
201 aggregate, is in excess of four hundred dollars and the contributor has
202 not provided the information required by said subparagraph ~~[(J)]~~ (I),
203 the campaign treasurer: (i) Within three business days after receiving
204 the contribution, shall send a request for such information to the
205 contributor by certified mail, return receipt requested; (ii) shall not
206 deposit the contribution until the campaign treasurer obtains such
207 information from the contributor, notwithstanding the provisions of
208 section 9-606; and (iii) shall return the contribution to the contributor if
209 the contributor does not provide the required information within
210 fourteen days after the treasurer's written request or the end of the
211 reporting period in which the contribution was received, whichever is
212 later. Any failure of a contributor to provide the information which the
213 campaign treasurer is required to include under said subparagraph
214 ~~[(G) or (I)]~~ (E), which results in noncompliance by the campaign

215 treasurer with the provisions of said subparagraph [(G) or (I)] (E), shall
216 be a complete defense to any action against the campaign treasurer for
217 failure to disclose such information.

218 (3) In addition to the requirements of subdivision (2) of this
219 subsection, each contributor who makes a contribution to a candidate
220 or exploratory committee for Governor, Lieutenant Governor,
221 Attorney General, State Comptroller, Secretary of the State, State
222 Treasurer, state senator or state representative, any political committee
223 authorized to make contributions to such candidates or committees,
224 and any party committee that separately, or in the aggregate, exceeds
225 fifty dollars shall provide with the contribution a certification that the
226 contributor is not a principal of a state contractor or prospective state
227 contractor, as defined in subsection (g) of section 9-612, nor a
228 communicator lobbyist or a member of the immediate family of a
229 communicator lobbyist and shall provide the name of the employer of
230 the contributor. The State Elections Enforcement Commission shall
231 prepare a sample form for such certification by the contributor and
232 shall make it available to campaign treasurers and contributors. Such
233 sample form shall include an explanation of the terms "communicator
234 lobbyist" and "principal of a state contractor or principal of a
235 prospective state contractor". The information on such sample form
236 shall be included in any written solicitation conducted by any such
237 committee. If a campaign treasurer receives such a contribution and
238 the contributor has not provided such certification, the campaign
239 treasurer shall: (A) Not later than three business days after receiving
240 the contribution, send a request for the certification to the contributor
241 by certified mail, return receipt requested; (B) not deposit the
242 contribution until the campaign treasurer obtains the certification from
243 the contributor, notwithstanding the provisions of section 9-606; and
244 (C) return the contribution to the contributor if the contributor does
245 not provide the certification not later than fourteen days after the
246 treasurer's written request or at the end of the reporting period in
247 which the contribution was received, whichever is later. If a campaign
248 treasurer deposits a contribution based on a certification that is later

249 determined to be false, the treasurer shall not be in violation of this
250 subdivision.

251 (4) Contributions from a single individual to a campaign treasurer
252 in the aggregate totaling fifty dollars or less need not be individually
253 identified in the statement, but a sum representing the total amount of
254 all such contributions made by all such individuals during the period
255 to be covered by such statement shall be a separate entry, identified
256 only by the words "total contributions from small contributors".

257 (5) Each statement filed by the campaign treasurer of a party
258 committee, a legislative caucus committee or a legislative leadership
259 committee shall include an itemized accounting of each organization
260 expenditure made by the committee. Concomitant with the filing of
261 any such statement containing an accounting of an organization
262 expenditure made by the committee for the benefit of a participating
263 candidate for the office of state senator or state representative, such
264 campaign treasurer shall provide notice of the amount and purpose of
265 the organization expenditure to the candidate committee of such
266 candidate.

267 (6) In addition to the other applicable requirements of this section,
268 the campaign treasurer of a candidate committee of a participating
269 candidate for the office of state senator or state representative who has
270 received the benefit of any organization expenditure shall, not later
271 than the time of dissolving such committee, file a statement with the
272 State Elections Enforcement Commission that lists, if known to such
273 candidate committee, the committee which made such organization
274 expenditure for such candidate's behalf and the amount and purpose
275 of such organization expenditure.

276 (7) Statements filed in accordance with this section shall remain
277 public records of the state for five years from the date such statements
278 are filed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2010, and applicable to elections and primaries held on and after said date</i>	9-601
Sec. 2	<i>January 1, 2010, and applicable to elections and primaries held on and after said date</i>	9-601a(b)
Sec. 3	<i>January 1, 2010, and applicable to elections and primaries held on and after said date</i>	9-608(c)

Statement of Legislative Commissioners:

The effective date of section 1 was changed from January 1, 2011, to January 1, 2010, for consistency with other sections of the bill.

GAE *Joint Favorable Subst.*